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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF VENTURA**

17 SOUTHWEST VOTER
18 REGISTRATION EDUCATION
PROJECT
19 Plaintiff,
20

Case No.: 56-2018-00522031-CU-CR-VTA

**COMPLAINT FOR VIOLATION OF THE
CALIFORNIA VOTING RIGHTS ACT OF
2001**

21 CITY OF CAMARILLO,
22 CALIFORNIA; and DOES 1-100
inclusive.

Defendants

ATTACHMENT 8

COMES NOW Plaintiff Southwest Voter Registration Education Project (hereinafter "SVREP" or "Plaintiff"), and alleges as follows:

NATURE OF THE ACTION

1. This action is brought by Plaintiff for injunctive and declaratory relief against the City of Camarillo, California, for its violation of the California Voting Rights Act of 2001 (hereinafter the "CVRA"), Cal. Elec. Code §§ 14025, et seq. The imposition of at-large elections by the City of Camarillo has resulted in vote dilution for the Latino residents and has denied them effective political participation in elections to the five-member Camarillo City Council. The City of Camarillo's at-large method of election for electing members to its City Council prevents Latino residents from electing candidates of their choice or influencing the outcome of Camarillo's City Council elections.

2. The effects of the City of Camarillo's at-large method of election are apparent and compelling. Despite a Latino population of approximately 23% in the City of Camarillo according to the 2010 Census (and likely higher today), no Latino serves on Camarillo's City Council. Nor has any Latino served on Camarillo's City Council in the recent past, or perhaps ever. Rather, in Camarillo's recent elections – for example 2000, 2002, 2004, 2010, 2014 and 2018, Latino candidates, often preferred by the Latino electorate, were all defeated by the bloc voting of the non-Latino electorate. The current absence of any Latinos on the Camarillo City Council reveals a lack of access to the political process.

3. Camarillo's at-large method of election violates the CVRA. Plaintiff brings this action to enjoin the City of Camarillo's continued abridgment of Latino voting rights. Plaintiffs seek a declaration from this Court that the City of Camarillo's at-large elections, for all or any portion of its city council, violates the CVRA. Plaintiff seeks injunctive relief enjoining the City of Camarillo from further imposing or applying an at-large method of election. Further, Plaintiff seeks injunctive relief requiring the City of Camarillo to implement district-based elections or other alternative relief tailored to remedy Camarillo's violation of the CVRA. Moreover, Plaintiff and, more generally, the voters residing in

1 Camarillo are entitled to the prompt implementation of district-based elections employing
2 districts tailored to remedy the years of dilution of the Latino vote in Camarillo.

3 4. Plaintiff attempted to avoid the need for litigation by engaging in a dialogue
4 with the City of Camarillo. Specifically, Plaintiff, through their counsel, brought the City of
5 Camarillo's violation of the CVRA to the attention of the City of Camarillo through
6 correspondence sent months prior to the filing of this Complaint. That letter, sent via
7 certified mail pursuant to section 10010 of the Elections Code, was received by Defendant on
8 or about August 29, 2018. Despite that correspondence, the Camarillo City Council has not
9 taken the actions necessary to end its violation of the CVRA, content to continue violating the
10 CVRA and their constituents' voting rights while justifying its delay with representations
11 about how it is studying the issue. Section 10010 of the Elections Code establishes the
12 amount of time a political subdivision has to study the issue prior to taking action, and
13 Defendant is well beyond that time.

14

15

PARTIES

16 5. SVREP, founded in 1974, is the largest and oldest non-partisan Latino voter
17 participation organization in the United States. SVREP was founded to ensure the voting
18 rights of Latinos in the Southwest United States, and continues that mission today, now
19 operating in various states, including California. Over the course of the last few decades,
20 SVREP has been at the forefront of major social and political gains for Latinos in the U.S.
21 and throughout Latin America. While its primary mission is voter registration and education,
22 SVREP is also involved in ensuring fair elections, community organizing, and education,
23 accountability and training of community leaders and elected officials.

24 6. Currently, SVREP has a network of tens of thousands of Latino leaders and
25 voters who further SVREP's mission through activities such as voter registration projects,
26 nonpartisan get-out-the-vote drives, and advocacy at the local, state, and national levels to
27 raise awareness and support voting rights issues. Through its efforts in and around Camarillo,
28 SVREP has developed a close relationship with Latino registered voters residing in Camarillo

1 – a relationship particularly focused on protecting the voting rights of the Latino residents of
2 Camarillo. The Latino leaders and voters who further SVREP’s mission, including those who
3 are registered to vote in Camarillo, influence the priorities and activities of SVREP. SVREP,
4 as an organization, is essentially defined by those Latino leaders and voters – they work with
5 SVREP’s leadership to achieve their collective mission; they finance much of SVREP’s
6 activities, including in Camarillo; and, as a practical matter, they select SVREP’s leadership.
7 SVREP leadership constantly obtains feedback from its network of Latino leaders and voters,
8 and adjusts SVREP’s activities according to the desires of those individuals.

9 7. SVREP has been, and continues to be, at the forefront of the struggle for equal
10 voting rights for Latinos in California and throughout the United States. SVREP’s work in
11 that respect has included strong advocacy in the courts of California and other states to
12 protect voting rights, whether it be litigating against poll taxes disguised as voter
13 identification laws, litigating against gerrymandered legislative districts that dilute the Latino
14 vote, or litigating for fair district-based elections to replace the at-large election systems that
15 are well known (indeed, intended) to dilute the minority vote. SVREP will bring that same
16 resolve to litigating this case to require Defendant to comply with the CVRA, a law enacted
17 almost sixteen (16) years ago but Defendant has still not seen fit to comply with. In recent
18 years, SVREP’s network of Latino leaders and voters in California, including Camarillo, have
19 urged SVREP to focus on the structures of municipal elections in California, in addition to all
20 of SVREP’s work in voter registration. After all, increasing Latino voter registration from
21 15% to 20%, for example, in a particular jurisdiction, may have little or no effect on the
22 outcome of at-large elections in the face of racially polarized voting, and in turn the futility
23 that develops ultimately frustrates SVREP’s efforts to improve registration and turnout. By
24 changing the electoral structures employed by municipalities in California, SVREP can
25 change that cycle of futility. In response to the urging of its Latino leaders and voters,
26 SVREP has taken action to bring fair and legal elections to several jurisdictions, including
27 Camarillo.

28

1 8. With the assistance, and at the request of some of its Latino voters in Camarillo,
2 SVREP has engaged, in voter registration projects within the City of Camarillo. However,
3 SVREP has found that a significant obstacle to those projects in Camarillo has been a sense
4 of futility among Latinos in Camarillo. Specifically, due to their lack of representation on the
5 Camarillo City Council, and their inability to obtain such representation under the current at-
6 large election system, Latinos in Camarillo have less reason to vote or register to vote.
7 Therefore, the City of Camarillo's at-large method of electing its City Council impairs
8 SVREP's efforts to register Latino eligible voters, as well as SVREP's get-out-the-vote and
9 advocacy projects in Camarillo.

10 9. By de-incentivizing the registration of Latinos eligible to vote, Camarillo's at-
11 large election system obstructs SVREP's efforts to register Latino voters and cause Latino
12 registered voters to actually vote. The disparity between the Latino proportion of the
13 population in Camarillo - approximately 23% as of 2010, and likely higher today - and the
14 Latino proportion of the registered voters in Camarillo is a clear indication of the harm
15 caused by Camarillo's unlawful at-large election system.

16 10. In crafting its Latino voter registration and participation efforts in California
17 and elsewhere, SVREP seeks to capture Latino eligible voters' interest by pointing to current
18 issues that can be affected by a strong Latino electorate. Sometimes statewide issues are so
19 inflammatory that they can be effective motivators; for example, Proposition 187 in 1994 led
20 to a significant increase in Latino voter registration. Local issues are often even more
21 effective, as they tend to have a greater impact on residents' lives, and eligible voters
22 understand that their votes have a greater impact on local issues because of the smaller
23 electorate in municipal elections. However, when an at-large election system has consistently
24 prevented Latinos from electing candidates of their choice or influencing the outcome of
25 municipal elections, as in Camarillo, any appeal to Latino eligible voters about an ability to
26 impact local government justifiably falls on deaf ears. Unable to convince some Latino
27 eligible voters in Camarillo that their votes matter in municipal elections, because of the
28 unlawful at-large election system, SVREP is forced to spend far greater resources (both time

1 and money) in Camarillo in order to achieve even close to the same results in its voter
2 registration and participation efforts.

3 11. The Latino citizens of Camarillo whose voting rights are immediately harmed
4 by the City of Camarillo's adherence to an unlawful at-large system of electing its city
5 council are hindered from protecting their own interests. Many of the Latino citizens of
6 Camarillo do not recognize that their voting rights are being violated by the City of
7 Camarillo's adherence to an unlawful at-large system of electing its city council, and still
8 others fear reprisal by the City of Camarillo if they were to seek redress for the City of
9 Camarillo imposing its unlawful election system. In other cases brought under the CVRA,
10 individual plaintiffs have faced reprisal from defendants and their allies. For example, the
11 City of Palmdale attempted to pressure a non-profit organization with significant financial
12 connections to the city government to terminate the employment of a plaintiff's mother-in-
13 law in order to convince that plaintiff to back out of that case; the City of Highland caused the
14 plaintiff's residence address to be published in the local newspaper so that its allies could
15 harass her at her home and perhaps convince her to back out of that case; the City of Santa
16 Monica eliminated funding for the plaintiff's youth and family center. By having an
17 organizational plaintiff, like SVREP, involved in this case, Defendant's motivation to take
18 inappropriate action against an individual plaintiff is reduced.

19 12. At all times herein mentioned, Defendant City of Camarillo, California
20 (hereinafter "Camarillo") is and has been a political subdivision subject to the provisions of
21 the CVRA.

22 13. Plaintiff is unaware of the true names and capacities, whether individual,
23 corporate, associate, or otherwise, of defendants sued herein as Does 1 through 100,
24 inclusive, and therefore, sues said defendants by such fictitious names and will ask leave of
25 court to amend this complaint to show their true names and capacities when the same have
26 been ascertained. Plaintiff is informed and believes and thereon alleges that defendants Does
27 1 through 100, inclusive, are responsible on the facts and theories herein alleged.
28

14. Does 1 through 100, inclusive, are Defendants that have caused Camarillo to violate the CVRA, failed to prevent Camarillo's violation of the CVRA, or are otherwise responsible for the acts and omissions alleged herein.

15. Plaintiff is informed and believes and thereon alleges that Defendants and each of them are in some manner legally responsible for the acts and omissions alleged herein, and actually and proximately caused and contributed to the various injuries and damages referred to herein.

16. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned each of the Defendants were the agent, partner, predecessor in interest, successor in interest, and/or employee of one or more of the other Defendants, and were at all times herein mentioned acting with the course and scope of such agency and/or employment.

JURIDICTION AND VENUE

17. All parties hereto are within the unlimited jurisdiction of this Court. The unlawful acts complained of occurred in Ventura County. Venue in this Court is proper.

FACTS

18. The City of Camarillo contains approximately 65,201 persons, of which approximately 23% are Hispanic or Latino, both based upon the 2010 United States Census.

19. The City of Camarillo is governed by a city council. The Camarillo City Council serves as the governmental body responsible for the operations of the City of Camarillo. The City Council is comprised of five members.

20. The Camarillo City Council members are elected pursuant to an "at-large method of election," as that term is defined by Section 14026 of the Election Code. In all past elections, all of the eligible voters of the entire City of Camarillo have elected all of the members of the City Council.

21. Vacancies to the City Council are elected on a staggered basis; as a result, every two years the city electorate elects either two or three City Council members

1 22. Upon information and belief, none of Camarillo's city council members is
2 Latino.

3 23. Elections conducted within the City of Camarillo are characterized by racially
4 polarized voting. Racially polarized voting occurs when members of a protected class as
5 defined by the CVRA, Cal. Elec. Coed § 14025(d), vote for candidates and electoral choices
6 that are different from the rest of the electorate. Racially polarized voting exists within the
7 City of Camarillo because there is a difference between the choice of candidates or other
8 electoral choices that are preferred by Latino voters, and the choice of candidates or other
9 electoral choices that are preferred by voters in the rest of the electorate, with the result being
10 that Latino-preferred candidates usually lose.

11 24. Racially polarized voting is legally significant in Camarillo's City Council
12 elections because it dilutes the opportunity of Latino voters to elect candidates of their choice
13 or influence the outcome of those elections.

14 25. Patterns of racially polarized voting have the effect of impeding opportunities
15 for Latino voters to elect candidates of their choice to the at-large city council positions in the
16 City of Camarillo or influence the outcome of those elections, where the non-Latino
17 electorate dominates elections. For several years, Latino voters have been harmed by racially
18 polarized voting.

19 26. The at-large method of election and repeated racially polarized voting has
20 caused Latino vote dilution within the City of Camarillo. Where Latinos and the rest of the
21 electorate express different preferences on candidates and other electoral choices, non-
22 Latinos by virtue of their overall numerical majority among voters, defeat the preferences of
23 Latino voters.

24 27. The obstacles posed by at-large elections in the City of Camarillo, together with
25 racially polarized voting, impair the ability of people of certain races, color or language
26 minority groups, such as Latino voters, to elect candidates of their choice or to influence the
27 outcome of elections conducted in the City of Camarillo.

1 28. An alternative method of election, such as district-based elections, exists that
2 will provide an opportunity for the members of the protected classes as defined by the CVRA
3 to elect candidates of their choice or to influence the outcome of the Camarillo City Council
4 elections.

5

6 **FIRST CAUSE OF ACTION**

7 **(Violation of California Voting Rights Act of 2001)**

8 **(Against All Defendants)**

9 29. Plaintiff incorporates by this reference paragraphs 1 through 28 as though fully
10 set forth herein.

11 30. Defendant City of Camarillo is a political subdivision within the State of
12 California. Defendant is a general law city.

13 31. Defendant City of Camarillo has employed an at-large method of election,
14 where voters of its entire jurisdiction elect all five members to its City Council.

15 32. Racially polarized voting has occurred, and continues to occur, in elections for
16 members of the City Council for the City of Camarillo and in elections incorporating other
17 electoral choices by voters of the City of Camarillo, California. Absent remedial measures
18 ordered by this Court, racially polarized voting will continue to plague elections held in
19 Camarillo. As a result, the City of Camarillo's at-large method of election is imposed in a
20 manner that impairs the ability of protected classes as defined by the CVRA to elect
21 candidates of their choice or influence the outcome of elections.

22 33. An alternative method of election, such as district-based elections, exists that
23 will provide an opportunity for the members of a protected class as defined by the CVRA to
24 elect candidates of their choice or to influence the outcome of the Camarillo City Council
25 elections.

26 34. An actual controversy has arisen and now exists between the parties relating to
27 the legal rights and duties of Plaintiff and Defendant, for which Plaintiff desire a declaration
28 of rights.

35. Defendants' wrongful conduct has caused and, unless enjoined by this Court, will continue to cause, immediate and irreparable injury to Plaintiff, and all residents of the City of Camarillo.

36. Plaintiff and the residents of the City of Camarillo have no adequate remedy at law for the injuries they currently suffer and will otherwise continue to suffer.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff pray for judgment against Defendants, and each of them, as follows:

1. For a decree that the City of Camarillo's at-large method of election for all or any portion of the City Council violates the California Voting Rights Act of 2001;
 2. For preliminary and permanent injunctive relief enjoining the City of Camarillo from imposing or applying an at-large method of election;
 3. For injunctive relief mandating the City of Camarillo to implement district-based elections, as defined by the California Voting Rights Act of 2001, employing a district map tailored to remedy Defendant's violation of the California Voting Rights Act of 2001;
 4. For injunctive relief mandating the prompt election of city council members through district-based elections, or another election method tailored to remedy Defendant's violation of the California Voting Rights Act of 2001,
 5. For injunctive relief prohibiting anyone who has not been lawfully elected, through an election that complies with the California Voting Rights Act of 2001, from acting as a member of the Camarillo City Council;
 6. Other relief tailored to remedy the City of Camarillo's violation of the California Voting Rights Act of 2001;
 7. For an award of Plaintiff attorneys' fees, costs, litigation expenses and prejudgment interest pursuant to Elec. Code § 14030 and other applicable law; and
 8. For such further relief as the Court deems just and proper.

1
2 DATED: December 23, 2018
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4

Respectfully submitted:

**SHENKMAN & HUGHES PC,
PARRIS LAW FIRM, and
LAW OFFICES OF MILTON C. GRIMES**

5 By:


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7 Attorneys for Plaintiff
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